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Kazakhstan Issues New Rules to Fight COVID-19 Infection: What Employers Need to Know

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While the emergency situation in Kazakhstan ceased at midnight on 11 May, the Chief Sanitary Doctor issued new Resolution No. 36 on 10 May on Further Strengthening of Measures for Preventing Coronavirus Infection among Kazakhstan Population (Resolution No. 36) that came into effect on 11 May. Resolution No. 36 sets out new rules on the arrival of people (including, expatriate employees) to Kazakhstan and arrangement of work conditions, among others. It is important for employers to be aware of the new rules and avoid violations and related administrative liability.

Arrival to Kazakhstan from Abroad

- Any person who has arrived to Kazakhstan from abroad (except for pilots, official delegates, diplomats, and members of their families) must be hospitalized for up to two days for coronavirus (COVID-19) testing. Further treatment of such persons depends on the test results.
- In case of a positive test result, an infected person must be hospitalized.
- In case of a negative test result, a person must be isolated at home for 12 days, provided that the required conditions for such isolation are satisfied – such conditions are set out in Appendix No. 2 to Resolution No. 36.
- The major conditions for home isolation are as follows: (i) separate apartment/room with a separate bathroom; (ii) every member of the family must have masks and gloves; (iii) the facility is available for regular cleaning and airing and regular hand washing is possible; (iv) no high-risk persons (65+ years old people, children under the age of five, pregnant women, people with low immunity or chronic diseases) around; (v) access to land or mobile line. If such conditions are not satisfied, the newly arrived person must be hospitalized.
- Every person in home isolation must sign a statement of the required form to confirm compliance with home isolation requirements and understanding of potential administrative/criminal liability for breaching such requirements. While Resolution No. 36 is silent as to who would be a recipient of such statement,

presumably, it would be an authorized person at the hospital, where the test would be taken upon arrival, or the airport/train station.

- Apart from complying with the general requirements (like staying at home, washing hands, etc.) of conduct, the person in home isolation must upload SmartAstana application on his/her cell phone and set all permissions in such application so that the movement of such person may be monitored by state authorities. Cell phones must be connected to GPS, Bluetooth, or Wi-Fi networks uninterruptedly during the whole duration of home isolation. There is no clarity on whether such requirement would apply to foreign citizens who do not use local sim-cards. It is also unclear whether and how personal data would be protected during the use of the application.
- While the main text of Resolution No. 36 refers to a 12-day home isolation, Appendix No. 2 refers to 14 days from the exit from a foreign country or contact with an infected person. In the main text of Resolution No. 36 such 14-day term of home isolation is set for official delegates, diplomats, and members of their families and it should not apply to other arriving persons who are subject to a 12-day isolation.
- People who have a risk of infection are divided into two groups: (i) close contacts, and (ii) potential contacts.
- Close contacts are those, who (i) live with an infected person in the same facility; (ii) have a direct unprotected contact with an infected person (hand shaking, coughing, etc.); (iii) was in the same room with an infected person for 15 minutes and more; (iv) work as medical personnel servicing infected persons or working with bio samples; (v) sat two seats away from an infected person on board a plane, bus, or train or were members of the crew that served the plane. Such contacts must be verified 14 days prior to showing COVID-19 symptoms. Close contacts are subject to the above rules of isolation, except for a case where a close contact has a positive test result, but does not have clear symptoms – in such cases, the close contact may be isolated at home (subject to satisfaction of the above conditions) rather than hospitalized in accordance with the above general rules.
- Potential contacts are those, who: (i) arrived from a country with registered COVID-19 cases; (ii) were in the same plane, bus, or train with an infected person, but were not close contacts; (iii) had any contact, other than close contact, with an infected person. Any potential contact with a positive test result must be hospitalized, while in the case of a negative test result, a person must sign the above statement and leave it with an authorized person, with no explicit requirement of home isolation. This would apply, however, to potential contacts in item (iii) only, because those who arrived from abroad would be subject to the above general rules.
- The chief sanitary doctor of a relevant area is authorized to make a resolution on isolation of passengers arriving from abroad depending on the epidemiological situation in such area and the world. On May 12 the majority of chief sanitary doctors in major areas (Mangistau, Kyzylorda, Atyrau, etc.) issued new resolutions in accordance with Resolution No. 36.

Special Rules for Tengizchevroil

- Any rotating employee of Tengizchevroil arriving from the shift at any facility of Tengizchevroil must be tested within two days upon arrival and the above general rules of isolation would apply to such

employee depending on the test results. These requirements appear to apply to local and expatriate employees of Tengizchevroil.

- None of any other oil producers is subject to such special requirements. Apparently, the above special requirements were established due to the spread of COVID-19 at workers camps of Tengizchevroil in April.

Work from Home

- 50% of the personnel, if the total number of employees is more than 30 persons, must continue working from home.

Sanitary Conditions at Workplace

- Resolution No. 36 provides for the requirements to work conditions depending on the type of business (shops, markets, gyms, cinemas, etc.). In this LawFlash we summarize the relevant requirements to work conditions at office and we will be happy to check and update you on special requirements in connection with your business upon your separate request.
- The requirements to work conditions at office are set out in Appendix No. 12 to Resolution No. 36 and may be summarized as follows:
 - *Access to Office:* Temperature of every employee must be checked at the entry to the office. There must be hand sanitizers at the entry, every 50 to 100 meters in corridors, every bathroom, every work place and near every elevator door.
 - *Work Process:* A health protection officer must be appointed and relevant training must be given to employees. The employer must provide transportation to employees to and from the office at its own expense. Employees must wear masks and gloves during the work hours. Every employee must maintain a minimum of one meter of distance from the other employee(s).
 - *Office Maintenance:* Daily cleaning with the use of certified disinfectant (with antiviral effect) liquids and airing are mandatory. Furniture, window sills, door handles, and keyboards must be cleaned at least twice a day and preferably with single-use tissues. Labels of disinfection liquids must be kept during the whole use period. Cleaning personnel must be equipped with special clothes, gloves, and masks.
- Breach of any of the above requirements may result in an administrative fine against the employer in the amount of up to KZT 1,389,000 (= 500 monthly calculated index (KZT 2,778 starting 1 April)) with or without suspension of business activity (Art. 462.3 of the Administrative Code).